

Memorandum

Government of the District of Columbia

TO: Crystal Palmer
 Director
 Office of Motion Picture
 and TV Development

Office: Corporation Counsel
 prepared by: L&O:LNG:lng
 (94-018-L)

FROM: Garland Pinkston, Jr.
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Date: January 14, 1994

SUBJECT: Must the District give 30 days notice to
 an Advisory Neighborhood Commission of
 location shooting by a film crew in the
 Commission's area?

This is in response to your January 10, 1994 request for the advice of this Office concerning whether the District is legally required to give an Advisory Neighborhood Commission (ANC) 30 days notice that a film company will be shooting at a location within the boundaries of that ANC.

Typically, when a film production company wishes to shoot at a location in the District of Columbia, it obtains a public space permit from the Department of Consumer and Regulatory Affairs. Film shoots at a particular location usually last from one to seven days.

The ANC notice requirements are set forth in § 738(d) of the District of Columbia Self-Government and Governmental Reorganization Act, D.C. Code § 1-251(d) (1992), and in § 13 of the District of Columbia Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-261 (1992). Reading these two sections together, the D.C. Court of Appeals has ruled that the 30-day notice requirement set forth in § 13 applies only to proposed District government actions that are "of significance to neighborhood planning and development." See Kopff v. District of Columbia Alcoholic Beverage Control Board, 381 A.2d 1372, 1381 (D.C. 1977). A decision by the District government to issue a public space permit to a film production company to enable it to shoot at a particular location in the District of Columbia is not a decision that is "of significance to neighborhood planning and development." This is so because of: (1) the short duration of such shoots, and (2) the fact that there is no permanent or otherwise long-term effect on the neighborhood.

In short, the District is under no legal obligation to give an ANC any notice, much less 30 days notice, regarding the issuance of a public space permit to a film production company allowing it to shoot at a particular location within that ANC's boundaries. Thus, any notice actually given by the District to an ANC in this regard is in the nature of a voluntary, courtesy notice.

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